

REMARKS

This amendment is in response to the Office Action dated August 27, 2010 (the “Office Action”). Claims 1-4, 6-13, and 15-18 are pending in the application. Claims 5 and 14 were previously cancelled without prejudice or disclaimer. Claims 1, 8-10, and 17-18 have been amended. Claims 19-20 have been added. No new matter has been added. Support for the claim amendments and for the new claims can be found in the specification, claims, and figures as originally filed.

Claims 1 and 6-7 are Allowable

The Office has rejected claims 1 and 6-7, at paragraph 2 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,643,520 (“Park”) in view of U.S. Patent No. 6,278,781 (“Rhoads”), further in view of U.S. Patent No. 6,628,965 (“LaRosa”), and further in view of U.S. Patent No. 6,556,590 (“Saeijs”). Applicants respectfully traverse the rejections.

The cited portions of Park, Rhoads, LaRosa, and Saeijs fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Park, Rhoads, LaRosa, and Saeijs fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1.

Park describes determining an initial transmission power for a forward link channel transmitter of a base station in a mobile communication system. *See* Park, Abstract. The base station transmits a pilot signal to a mobile device, the mobile device measures a signal strength of the pilot signal, and the mobile device reports the measured signal strength to the base station. *See* Park, col. 3, ll. 45-58.

The Office at page 2 of the Office Action states that “the pilot signal disclosed by Park has been interpreted as the preamble because preambles and pilots are both well known to the receiver and they have the same functionality.” Applicants respectfully disagree. A pilot signal is a series of symbols known in advance to a receiver, e.g. all zeros or all ones. A preamble may include data or information, e.g. data or information not known in advance to a receiver. Further, a preamble may be positioned at the beginning of a packet or a frame and may be

communicated over a data channel or a traffic channel. In contrast, Park describes a dedicated channel for pilot signal transmission. *See* Park, Fig. 3. Therefore, Applicants respectfully submit that a pilot signal and a preamble do not have the same functionality. Hence, the cited portions of Park fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1.

Further, Applicants respectfully submit that the cited portions of Park fail to disclose or suggest demodulating a preamble, as in claim 1. As will be appreciated, a pilot signal is not modulated and therefore would not be demodulated at a receiver. The cited portions of Park fail to disclose or suggest demodulating a pilot signal. Therefore, the cited portions of Park fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1.

Rhoads describes methods and systems for reducing theft of wireless telephony services by using steganographically encoded authentication data. *See* Rhoads, Abstract. A logic circuit 46 accepts auxiliary data 42 and pseudo-random data 44, which are summed with digitized voice data 40 to yield an encoded output signal. *See* Rhoads, Fig. 2. The cited portions of Rhoads fail to disclose or suggest determining an energy value for a transmission from a first station to a second station, where the energy value is based on a preamble, as in claim 1. Therefore, the cited portions Rhoads fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1.

LaRosa describes a wireless control subsystem that includes a programming module to extend a base communications application program interface (API) of a multitasking operating system through a set of programming objects callable by at least one wireless-related application. *See* LaRosa, Abstract. A system module 32 includes exchange place object components 32a, process object components 32b, core object components 32c, cable object components 32d, socket object components 32e, and monitor object components 32f. *See* LaRosa, Fig. 3. The cited portions of LaRosa fail to disclose or suggest determining an energy value for a transmission from a first station to a second station, where the energy value is based on a preamble, as in claim 1. Therefore, the cited portions LaRosa fail to disclose or suggest

receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1.

Saeijs describes a method of transmitting timing critical data via an asynchronous channel without changing any datum to be transmitted. *See* Saeijs, Abstract. The method includes tagging each transmission unit of a data stream with timing information and using the timing information at an output end to recreate proper data timing. *See* Saeijs, Abstract. The cited portions of Saeijs fail to disclose or suggest determining an energy value for a transmission from a first station to a second station, where the energy value is based on a preamble, as in claim 1. Therefore, the cited portions Saeijs fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1.

Therefore, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose at least one element of claim 1. Hence, claim 1 is allowable. Claims 6-7 are also allowable, at least by virtue of depending from an allowable claim.

Claim 8 is Allowable

The Office has rejected claim 8, at paragraph 2 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Park in view of Rhoads, further in view of LaRosa, and further in view of Saeijs. Applicants respectfully traverse the rejection.

As explained above, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble. Therefore, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest means for receiving and demodulating a preamble at a first station and means for determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 8. Hence, claim 8 is allowable.

Claim 9 is Allowable

The Office has rejected claim 9, at paragraph 2 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Park in view of Rhoads, further in view of LaRosa, and further in view of Saeijs. Applicants respectfully traverse the rejection.

As explained above, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble. Therefore, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest a computer readable medium encoded with computer-readable instructions thereon that, when executed by a computer, cause the computer to receive and demodulate a preamble at a first station and determine an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 9. Hence, claim 9 is allowable.

Claims 10 and 15-16 are Allowable

The Office has rejected claims 10 and 15-16, at paragraph 2 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Park in view of Rhoads, further in view of LaRosa, and further in view of Saeijs. Applicants respectfully traverse the rejections.

As explained above, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble. Therefore, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest a processor operable to demodulate a preamble received at a first station and a transmission power control unit for determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 10. Hence, claim 10 is allowable. Claims 15-16 are also allowable, at least by virtue of depending from an allowable claim.

Claim 17 is Allowable

The Office has rejected claim 17, at paragraph 2 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Park in view of Rhoads, further in view of LaRosa, and further in view of Saeijs. Applicants respectfully traverse the rejection.

As explained above, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble. Therefore, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest a processor operable to demodulate a preamble received at a first station and a transmission power control unit for determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 17. Hence, claim 17 is allowable.

Claim 18 is Allowable

The Office has rejected claim 18, at paragraph 2 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Park in view of Rhoads, further in view of LaRosa, and further in view of Saeijs. Applicants respectfully traverse the rejection.

As explained above, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble. Therefore, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest a processor operable to demodulate a preamble received at a remote station and a transmission power control unit for determining an energy value for a transmission to a base station, where the energy value is based on the preamble, as in claim 18. Hence, claim 18 is allowable.

Claim 2 is Allowable

The Office has rejected claim 2, at paragraph 3 of the Office Action, as being unpatentable over Park in view of Rhoads, further in view of LaRosa, further in view of Saeijs,

and further in view of U.S. Patent No. 6,608,828 (“Balachandran”). Applicants respectfully traverse the rejection.

Claim 2 depends from claim 1. As explained above, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest at least one element of claim 1. The cited portions of Balachandran fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Park, Rhoads, LaRosa, and Saeijs.

Balachandran describes a header that is repeatedly transmitted and received on a radio channel with data, where at least one initially received header is decoded to identify header field values. *See* Balachandran, Abstract. Balachandran describes receiving multiple headers, decoding the headers, and comparing one or more portions of the headers to determine if portions have been decoded correctly. *See* Balachandran, col. 4, ll. 38-52. The cited portions of Balachandran fail to disclose or suggest determining an energy value for a transmission from a first station to a second station, where the energy value is based on a preamble. Therefore, the cited portions of Balachandran fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1, from which claim 2 depends. Hence, claim 2 is allowable, at least by virtue of depending from an allowable claim.

Claim 11 is Allowable

The Office has rejected claim 11, at paragraph 3 of the Office Action, as being unpatentable over Park in view of Rhoads, further in view of LaRosa, further in view of Saeijs, and further in view of Balachandran. Applicants respectfully traverse the rejection.

Claim 11 depends from claim 10. As explained above, the cited portions of Park, Rhoads, LaRosa, Saeijs, and Balachandran, individually or in combination, fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble. Therefore, the cited portions of Park, Rhoads, LaRosa, Saeijs, and Balachandran, individually or in combination, fail to disclose or suggest a processor operable to demodulate a preamble received at a first station and a transmission power control unit for determining an energy value for a transmission from the first station to a second station, where the energy value

is based on the preamble, as in claim 10, from which claim 11 depends. Hence, claim 11 is allowable, at least by virtue of depending from an allowable claim.

Claims 3-4 are Allowable

The Office has rejected claims 3-4, at paragraph 4 of the Office Action, as being unpatentable over Park in view of Rhoads, further in view of LaRosa, further in view of Saeijs, and further in view of U.S. Patent No. 6,389,034 (“Guo”). Applicants respectfully traverse the rejections.

Claims 3-4 depend from claim 1. As explained above, the cited portions of Park, Rhoads, LaRosa, and Saeijs, individually or in combination, fail to disclose or suggest at least one element of claim 1. The cited portions of Guo fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Park, Rhoads, LaRosa, and Saeijs.

Guo describes a common packet data channel (CPDC) system structure and method to provide variable-rate packet data services in a CDMA system. *See* Guo, Abstract. A preamble may be transmitted on the CPDC and used to determine whether a timer has expired. *See* Guo, Fig. 6. If the timer has expired, then the preamble is not acknowledged and the preamble is retransmitted after a random delay. *See* Guo, Fig. 6. The cited portions of Guo do not disclose or suggest that the preamble is used to determine an energy value. Therefore, the cited portions of Guo fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 1, from which claims 3-4 depend. Hence, claims 3-4 are allowable, at least by virtue of depending from an allowable claim.

Claims 12-13 are Allowable

The Office has rejected claims 12-13, at paragraph 4 of the Office Action, as being unpatentable over Park in view of Rhoads, further in view of LaRosa, further in view of Saeijs, and further in view of Guo. Applicants respectfully traverse the rejections.

Claims 12-13 depend from claim 10. As explained above, the cited portions of Park, Rhoads, LaRosa, Saeijs, and Guo, individually or in combination, fail to disclose or suggest receiving and demodulating a preamble at a first station and determining an energy value for a transmission from the first station to a second station, where the energy value is based on the

preamble. Therefore, the cited portions of Park, Rhoads, LaRosa, Saeijs, and Guo fail to disclose or suggest a processor operable to demodulate a preamble received at a first station and a transmission power control unit for determining an energy value for a transmission from the first station to a second station, where the energy value is based on the preamble, as in claim 10, from which claims 12-13 depend. Hence, claims 12-13 are allowable, at least by virtue of depending from an allowable claim.

New Claims 19-20 are Allowable

New claims 19-20 depend from claim 1, which Applicants have shown to be allowable. Hence, claims 19-20 are allowable, at least by virtue of depending from an allowable claim.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action.

Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 17-0026.

Respectfully submitted,

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